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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,606	03/16/2000	Robert S. Mancini	3499-59	1911

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EXAMINER

BASHORE, ALAIN L

ART UNIT PAPER NUMBER

2164

DATE MAILED: 02/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/526,606

Applicant(s)

MANCINI ET AL.

Examiner

Alain L. Bashore

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is subsequent to the notice of petition denial (paper 7).

#### ***Claim Rejections - 35 USC § 101***

2. Claims 20-21 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. In particular, the claimed "computer data signal" at the beginning of the preamble does not appear to fall in a recognized class of invention. Claim 21 is rejected as being dependant thereon.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 9, 15-16, 20-21, 29-31 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20-21 and 35 are confusing because while the independent claims recite non-statutory subject matter, at the end of the preamble, there is recited "a method comprising the steps of". If a method is being claimed, the beginning of the preamble must be amended accordingly. Claim 21 is rejected as being dependant thereon.

Art Unit: 2164

Claims 4 and 9 recites the following limitations as disclosed bellow:

claim 4: "the price", "the local currency"

claim 9: "the market"

There is insufficient antecedent basis for these limitations in the claims.

Claims 15 and 16 are rejected as including the word "type" which extends the scope of an expression so as to render it further indefinite.

Claims 29-31 are rejected as not further limiting the claimed invention. Claims 29-31 are repeats of claims 6-8. The claims must further limit the invention in a recitation to a claim.

***Claim Rejections - 35 USC § 102 and 35 USC § 103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

Art Unit: 2164

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6-7, 9-14, 16-27, 29-30, 32-36 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Garber.

There is disclosed a computer-implemented method, system, a computer executable code residing on a computer-readable medium, and a method of generating a computer data signal, all for providing risk management for online transactions on a computerized communications network. Executable software is stored on a server via the network. An exchange rate for a foreign currency is inherently entered into a computer as the foreign currency relates to a base currency. Data descriptive of a transaction involving the foreign currency is received wherein the transaction occurred within a predetermined time period where there is shown in both local and seller's currency. Currency is exchanged according to the entered price and data is received descriptive of the transaction. Re-denomination of currency also occurs regarding the method to Garber.

The transaction may be a business-to-business transaction. The transaction may additionally comprise aggregating transaction amounts where the size of the aggregate amount may be limited. There is calculated an expected average amount of base and foreign currency to exchange and entering a forward contract to the end of the predetermined time period. Bids may be received in an online auction and posted online each bid in a local currency and a seller's currency. A spot price from the market may be obtained at the time of the transaction. There can be limited the change in the spot price if the spot price exceeds the limit. Risk of exposure is determined for a predetermined time period. Based upon aggregate amount of currency. The risk may also be additionally based upon market data. It is the examiner's position that the reference inherently includes a "need" that is entered into a "transaction forum".

As an alternative rejection, where inherency is not present regarding entering an exchange rate for a foreign currency, it is the examiner's position that it would have been obvious to one with ordinary skill in the art to modify Garber to include such since Garber teaches entering inventory orders that include an exchange rate associated with the order.

With regards to "brick and mortar" retail and financial institutional settings is the examiner's position that Garber does not preclude the transaction occurring within such a setting as claimed in claim 16.

Art Unit: 2164

8. Claims 4-5, 8, 15, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber as applied to claims 1-3, 6-7, 9-27, 29-30, 32-36 above in the alternate 35 USC 103 rejection, and further in view of Boesch et al (621).

Garber does not disclose a transaction as a sale on an e-commerce site, where the transaction may be between a business and a retail customer or a business-to-business supply order transaction. Garber also does not disclose the transaction occurring within a brick and mortar retail setting.

Boesch et al. discloses a transaction as a sale on an e-commerce site, where the transaction may be between a business and a retail customer.

It would have been obvious to one with ordinary skill in the art to modify Garber to include this type of transaction since both Boesch et al. and Garber teaches foreign currency trading and Boesch et al also teaches currency trading.

With regards to a business-to-business supply order transaction, it is the examiner's position that such are encompassed within what is taught by Boesch et al. and therefore would have been obvious to one with ordinary skill in the art an another form of conventional transaction.

With regards to the transaction occurring within a brick and mortar retail setting, it is the examiner's position that this is conventional and therefore obvious to one with ordinary skill in the art.

**Conclusion**

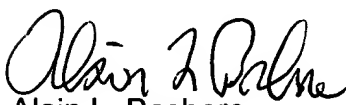
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Erwin et al, Potter, Rosen and Boesch et al. (433) were cited by applicant without a PTO-1449 form, and therefore are made of record without a copy being supplied to applicant.

Vanedbelt et al, Earle, May, Togher et al all disclose foreign currency transaction calculation.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Alain L. Bashore  
January 28, 2002

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100